

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Applicants thank the Examiner for the telephone call of December 3, 2010, in which the indefiniteness rejection was discussed.

Claims 1, 5 and 6 have been amended herein. Specifically, claim 1 has been amended herein to change the transitional phrase from “comprising” to “consisting essentially of”. Support for this amendment can be found, for example, at page 11 in the specification, which states:

Surprisingly, it was found that high recovery yields of different maltitol products are achievable by having the liquefaction, saccharification immediately followed by chromatographic fractionation of maltose, and furthermore by having direct crystallisation of hydrogenated product.

In addition, claims 5 and 6 have been amended to be independent claims that include all the steps of claim 1 (as amended). Applicants note that claims 5 and 6 as amended also use the transitional phrase “consisting essentially of”. No new matter has been added by these amendments.

Claims 1, 5-8, 10 and 11 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §112 Rejections

Claims 1, 5-8, 10 and 11 stand rejected under 35 U.S.C. §112, second paragraph, as the Examiner asserted that those claims are indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. According to the Examiner, the reference to “immediately followed by” is indefinite and renders the claim unclear.

As indicated herein, claims 1, 5 and 6 have been amended and no longer refer to “immediately followed by”. Accordingly, Applicants respectfully submit that the rejection of claims 1, 5-8, 10 and 11 under 35 U.S.C. §112, second paragraph, is moot.

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CONCLUSION

Applicants respectfully request that claims 1, 5-8, 10 and 11 be allowed. If a telephone call to the undersigned would expedite prosecution, the Examiner is encouraged to do so. Please apply the fee for the enclosed Petition for Extension of Time and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

/December 13, 2010/

/M. Angela Parsons/

Date: _____

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